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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,922	01/31/2005	Hiroshi Oota	260971US6PCT	6635
22850	7590	02/20/2009		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
EKP0, NNENNA NGOZI				
ART UNIT		PAPER NUMBER		
2425				
NOTIFICATION DATE		DELIVERY MODE		
02/20/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

Office Action Summary

Application No.

10/522,922

Applicant(s)

OOTA, HIROSHI

Examiner

Nnenna N. Ekpo

Art Unit

2425

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-6, 10-15, 20 and 21 is/are pending in the application.
- 4a) Of the above claim(s) 2, 7-9 and 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 10-15, 20, 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. This Office Action is responsive to the arguments filed on December 04, 2008. Thus, claims 1, 3-6, 10-15 and 20-21 are pending in this application

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/04/2008 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 10, 11, 20 and 21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1, 3-6, 10-15 and 20-21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sie et al. (U.S. Patent No. 7,240,359) in view of Fuller (U.S. Patent

No. 5,818,512) Bendinelli et al. (U.S. Patent No. 6,792,618) and Vasilevsky et al. (U.S. Publication No. 2005/0166258).

Regarding **claims 1, 10 and 20**, Sie et al. discloses a receiving apparatus (see fig 5 (120)) which can switch (see col. 7, lines 7-9, the remote control is used to switch to the selected channel) and receive a plurality of stream data (see col. 6, lines 29-32, the set top box receives programs from the satellite dish), comprising:

reproducing means (see fig 5 (524)) for reproducing the received stream data (see col. 6, lines 55-65);

switching means for switching an input between an input from said reproducing means (program on television) and another input (prerecorded version) (see col. 21, lines 1-11); and

communicating means for communicating (request) with a transmitting source (server) of said stream data (program) (see col. 2, lines 13-18),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means (see col. 1, lines 65-col. 2, line 8),

in the case where said input is switched again from another input to an output from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

However, Sie et al. fails to specifically disclose a stop request to stop transmission of said stream data is transmitted to the transmitting source of said stream

data by said communicating means, a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means, each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped.

Fuller discloses a stop request to stop transmission of said stream data is transmitted to the transmitting source (video server) of said stream data by said communicating means (see col. 15, lines 65- col. 16, line 3), and

a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means (see col. 15, lines 39-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al.'s invention with the above mentioned limitation as taught by Fuller for the advantage of going back to old channels at the point where the viewer left off.

However, Sie et al. and Fuller fail to specifically disclose each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped.

Bendinelli et al. discloses each transmitting source having a URL (see col. 2, lines 1-4, col. 5, lines 32-40) and history storing means for storing the URL of the

transmitting source of the stream data and a stop point for each stream data that is stopped (see cited portion, but not limited to col. 4, lines 15-43, col. 5, lines 8-31, the memory (20) stores the URL of a television program and also stores particular stop points of the portions of the same program).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al. and Fuller's invention with the above mentioned limitation as taught by Bendinelli et al. for the advantage of identifying the stop area of a program.

However, Sie et al. Fuller et al., and Bendinelli et al. fails to specifically disclose stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data.

Vasilevsky et al. discloses stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data (see paragraph 0058, fig 0007, fig 1 (162)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al., Fuller and Bendinelli et al.'s invention with the above mentioned limitation as taught by Vasilevsky et al. for the advantage of identifying the stop areas of both programs.

Regarding **claim 3**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses the receiving apparatus (see fig 5 (120)) wherein the reception of the stream data and the transmission of said stop request (col. 15, line 43) or said start request (see col. 16, line 7, reactivate) are executed by different communicating means (see col. 15, lines 39-col. 16, lines 12).

Regarding **claim 4**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses the receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, an address (unique address) of an apparatus (room terminal, 208) is transmitted together with said start request (see col. 14, lines 66-col. 16, line 12).

Regarding **claim 5**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses the receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, information of said transmitting source (col. 15, line 15, "channel 15") is transmitted together with said start request (see col. 15, lines 11-col. 16, line 12).

Regarding **claim 6**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 1*). Sie et al. discloses the receiving apparatus (see fig 5 (120)).

Fuller discloses in the case of transmitting said start request, information showing the stream data (program) is transmitted together with said start request (see col. 16, lines 1-12).

Regarding **claim 11**, Sie et al. discloses a stream distribution system for distributing stream data (see col. 6, lines 1-9) to a receiving apparatus (see fig 5 (120)) which can switch (see col. 7, lines 7-9, the remote control is used to switch to the selected channel) and receive (see col. 6, lines 29-32, the set top box receives programs from the satellite dish) a television broadcast and the stream data, comprising:

a stream data server (transmission system, 108) for reproducing and transmitting (route) the stream data (see col. 5, lines 12-25); and

the receiving apparatus (see fig 5 (120)) having reproducing means (see fig 5 (524)) for receiving said stream data transmitted from said stream data server (transmission system, 108) and reproducing said received stream data (see col. 6, lines

29-65), switching means for switching an input between an input from said reproducing means (program on television) and another input (prerecorded version) (see col. 21, lines 1-11), and

communicating means for communicating (request) with said stream data server (see col. 2, lines 13-18),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means (see col. 1, lines 65-col. 2, line 8),

in the case where said input is switched again from said another input to an input from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

However, Sie et al. fails to specifically disclose said receiving apparatus transmits a stop request to stop the transmission of said stream data to said stream data server by said communicating means,

said stream data server stops the transmission of said stream data by said stream data server in accordance with said stop request,

said receiving apparatus transmits a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped to said stream data server by said communicating means,

said stream data server reproduces said stream data from the position where the transmission of said stream data has been stopped and transmits said stream data to

said receiving apparatus in accordance with said start request, each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped.

Fuller discloses said receiving apparatus transmits a stop request to stop the transmission of said stream data to said stream data server by said communicating means (see col. 15, lines 65- col. 16, line 3),

said stream data server stops the transmission of said stream data by said stream data server in accordance with said stop request (see col. 15, lines 65-col. 16, lines 1),

said receiving apparatus transmits a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped to said stream data server by said communicating means (see col. 15, lines 39-56), and

said stream data server reproduces said stream data from the position where the transmission of said stream data has been stopped and transmits said stream data to said receiving apparatus in accordance with said start request (see col. 16, lines 1-8).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al.'s invention with the above mentioned limitation as taught by Fuller for the advantage of going back to old channels at the point where the viewer left off.

However, Sie et al. and Fuller fail to specifically disclose each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped.

Bendinelli et al. discloses each transmitting source having a URL (see col. 2, lines 1-4, col. 5, lines 32-40) and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped (see cited portion, but not limited to col. 4, lines 15-43, col. 5, lines 8-31, the memory (20) stores the URL of a television program and also stores particular stop points of the portions of the same program).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al. and Fuller's invention with the above mentioned limitation as taught by Bendinelli et al. for the advantage of identifying the stop area of a program.

However, Sie et al. Fuller et al., and Bendinelli et al. fails to specifically disclose stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data.

Vasilevsky et al. discloses stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first

stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data (see paragraph 0058, fig 0007, fig 1 (162)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al., Fuller and Bendinelli et al.'s invention with the above mentioned limitation as taught by Vasilevsky et al. for the advantage of identifying the stop areas of both programs.

Regarding **claim 12**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses the stream distribution system (see col. 6, lines 1-9) wherein the reception of the stream data from said stream data server and the transmission of said stop request (col. 15, line 43) or said start request (see col. 16, line 7, reactivate) to said stream data server are executed by different communicating means (see col. 15, lines 39-col. 16, lines 12).

Regarding **claim 13**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (*see claim 11*). Sie et al. discloses a stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, an address (unique address) of an apparatus (room terminal, 208) is transmitted together with said start request (see col. 14, lines 66-col. 16, line 12).

Regarding **claim 14**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (see *claim 11*). Sie et al. discloses the stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, information showing said stream data server (col. 15, line 15, "channel 15") is transmitted together with said start request (see col. 15, lines 11-col. 16, line 12).

Regarding **claim 15**, Sie et al., Fuller, Bendinelli et al. and Vasilevsky et al. disclose everything claimed as applied above (see *claim 11*). Sie et al. discloses the stream distribution system (see col. 6, lines 1-9).

Fuller discloses in the case of transmitting said start request, information showing the stream data (program) is transmitted together with said start request (see col. 16, lines 1-12).

Regarding **claim 21**, Sie et al. discloses a receiving apparatus (see fig 5 (120)) which can switch (see col. 7, lines 7-9, the remote control is used to switch to the selected channel) and receive a plurality of stream data (see col. 6, lines 29-32, the set top box receives programs from the satellite dish), comprising:

reproducing means (see fig 5 (524)) for reproducing the received stream data (see col. 6, lines 55-65);

switching means for switching an input between an input from said reproducing means (program on television) and another input (prerecorded version) (see col. 21, lines 1-11); and

communicating means for communicating (request) with a transmitting source (server) of said stream data (program) (see col. 2, lines 13-18),

wherein in the case where said input is switched from the input from said reproducing means to said another input by said switching means during the reproduction of said stream data by said reproducing means (see col. 1, lines 65-col. 2, line 8),

in the case where said input is switched again from another input to an output from said reproducing means by said switching means (see col. 1, lines 65-col. 2, line 8, switching can be done repeatedly from one input or channel to another).

However, Sie et al. fails to specifically disclose a stop request to stop transmission of said stream data is transmitted to the transmitting source of said stream data by said communicating means, a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means, each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point

for each stream data that is stopped, a stream data server configured to reproduce and transmit the stream data; and the receiving apparatus.

Fuller discloses a stop request to stop transmission of said stream data is transmitted to the transmitting source (video server) of said stream data by said communicating means (see col. 15, lines 65- col. 16, line 3), and

a start request to start the reproduction of said stream data from a position where the transmission of said stream data has been stopped is transmitted to said transmitting source of said stream data by said communicating means (see col. 15, lines 39-56).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al.'s invention with the above mentioned limitation as taught by Fuller for the advantage of going back to old channels at the point where the viewer left off.

However, Sie et al. and Fuller fail to specifically disclose each transmitting source having a URL and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped, a stream data server configured to reproduce and transmit the stream data; and the receiving apparatus.

Bendinelli et al. discloses each transmitting source having a URL (see col. 2, lines 1-4, col. 5, lines 32-40) and history storing means for storing the URL of the transmitting source of the stream data and a stop point for each stream data that is stopped (see cited portion, but not limited to col. 4, lines 15-43, col. 5, lines 8-31, the

memory (20) stores the URL of a television program and also stores particular stop points of the portions of the same program), a stream data server configured to reproduce and transmit the stream data; and the receiving apparatus (see col. 6, 44-58).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al. and Fuller's invention with the above mentioned limitation as taught by Bendinelli et al. for the advantage of identifying the stop area of a program.

However, Sie et al. Fuller et al., and Bendinelli et al. fails to specifically disclose stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data.

Vasilevsky et al. discloses stream switching means for switching between two inputs from said reproducing means, said stream switching means pausing a first stream data at a stop point of the first stream data and reproducing a second stream data from a stop point of the second stream data when the stream switching means is actuated to change from the first stream data to the second stream data, said history storing means storing both the stop point of the first stream data and the stop point of the second stream data (see paragraph 0058, fig 0007, fig 1 (162)).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Sie et al., Fuller and Bendinelli et al.'s invention with the above mentioned limitation as taught by Vasilevsky et al. for the advantage of identifying the stop areas of both programs.

Citation of Pertinent Prior Art

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Brown et al. (U.S. Patent No. 6,868,225) discloses a multimedia program bookmarking system provides a bookmark function that allows the user to bookmark a program where he left off.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nnenna N. Ekpo whose telephone number is 571-270-1663. The examiner can normally be reached on Monday - Friday 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nnenna N. Ekpo/
Patent Examiner
February 6, 2009.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425